

ST: Consent to Referee/Divorce/Annulment Action.

A BILL TO BE ENTITLED

AN ACT AMENDING RULE 53 OF THE RULES OF CIVIL PROCEDURE TO PERMIT
ISSUES IN AN ACTION FOR ANNULMENT, DIVORCE, OR ALIMONY WITHOUT
DIVORCE TO BE REFERRED TO A REFEREE UPON THE WRITTEN CONSENT
OF THE PARTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 53(a) reads as rewritten:

"Rule 53. Referees.

(a) **Kinds of reference. –**

(1) **By Consent.** – Any or all of the issues in an action may be referred upon
the written consent of the ~~parties except in actions to annul a marriage,~~
~~actions for divorce, actions for divorce from bed and board, actions for~~
~~alimony without the divorce or actions in which a ground of annulment or~~
~~divorce is in issue.~~ parties.

(2) **Compulsory.** – Where the parties do not consent to a reference, the court
may, upon the application of any party or on its own motion, order a
reference in the following cases:

a. Where the trial of an issue requires the examination of a long or
complicated account; in which case the referee may be directed to
hear and decide the whole issue, or to report upon any specific
question of fact involved therein.

- 1 b. Where the taking of an account is necessary for the information of
2 the court before judgment, or for carrying a judgment or order into
3 effect.
- 4 c. Where the case involves a complicated question of boundary, or
5 requires a personal view of the premises.
- 6 d. Where a question of fact arises outside the pleadings, upon motion
7 or otherwise, at any stage of the action."

8 **SECTION 2.** This act becomes effective [insert effective date], and applies to [actions
9 commenced on or after that date].